

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARK A. WARD,

Plaintiff,

v.

PETER E. MALONEY, Plan  
Administrator, and JOHN T.  
MCDONALD,  
Defendants.

1:08CV54



ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 11, 2008, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Defendants' motions to dismiss or for summary judgment [Docket Nos. 7, 8] be **GRANTED**, that Plaintiff's cross-motion for summary judgment [Docket No. 15] be **DENIED**, and that Plaintiff's claims be dismissed with prejudice. **IT IS FURTHER ORDERED**, for reasons set out in the Recommendation,

that Plaintiff's motion for sanctions [Docket No. 25] is **DENIED**.

**IT IS FURTHER ORDERED** that in order to protect the court, the named Defendants, and any potential defendants from the harassment of frivolous and vexatious litigation, Defendants' motion for a pre-filing injunction [Docket No. 22] be **GRANTED**, and the Court issue the following injunctions:

The Court enjoins Plaintiff, or anyone acting on his behalf, from filing any lawsuits, motions or related proceedings that are directly or indirectly related to this suit, in any state or federal court, against LIN Television Corporation or any of its affiliates, related entities, agents, assignees or employees, including but not limited to Peter Maloney, or against legal representatives of those entities or individuals, including but not limited to John McDonald, without first obtaining leave of this court. Leave of court shall be granted only upon Plaintiff's payment of the filing fee and demonstrating through motion that the proposed filing (1) can survive a challenge under Rule 12 of the Federal Rules of Civil Procedure; (2) is not barred by principles of issue or claim preclusion; (3) is not repetitive or violative of a court order; and (4) is in compliance with Rule 11 of the Federal Rules of Civil Procedure. The Court orders Plaintiff to attach a copy of this order and injunction to any such motion for leave of court.

A Judgment dismissing this action will be entered contemporaneously with this Order.

William L. Oster, Jr.  
United States District Judge

Date: September 29, 2008